IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4020 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHIMANLAL NAGINDAS TAILOR

Versus

SETTLEMENT COMMISSIONER COLLECTOR

Appearance:

MR UTPAL M PANCHAL for Petitioner

MR M.A.BUKHARI,AGP for Respondent No. 1

MR YN OZA for Respondent No. 3

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 10/04/2000

ORAL JUDGEMENT

Rule. Mr. M.A.Bukhari,learned AGP appears for State authorities whereas Mr. Oza appears for respondent 3.

They waive service of notice of rule . In the facts and circumstances of the case, matter is taken up for final hearing today.

This petition is filed by the petitioner for an appropriate writ, direction of order directing the respondent authorities to decide the appeal filed by the petitioner and not to take possession of the property till disposal of the appeal.

Being aggrieved by the order passed by the Managing officer/ Deputy Collector, Choryasi Taluka, District Surat on 22nd March, 1999 (Annexure `D'), the petitioner filed an appeal under Section 22 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 before the Settlement Commissioner and Collector. Said appeal is pending before the appellate authority. The grievance of the petitioner before this Court is that though the appeal is pending before the Collector, interim relief is not granted. It was,therefore, submitted that during pendency and final disposal of the appeal, if interim relief is not granted, irreparable injury and loss will be caused to the petitioner which cannot be compensated in terms of money.

In the facts and circumstances, in my opinion, ends of justice would be met if without entering into merits of the matter and expressing any opinion on the rival contentions of the parties, order is passed that during pendency and final disposal of the appeal, status quo as on today which is granted by this Court is continued till disposal of the appeal and three weeks thereafter so as to enable the petitioner ,in case the appeal is decided against him, to approach appropriate forum.

For the foregoing reasons, petition is partly allowed. Rule is made absolute to the aforesaid extent. No order as to costs. Direct service permitted.

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parekh